

REMARKS

Claims 1-29 were pending in the application. Claims 1, 6, 9-11, 18, and 23 have been amended. Claims 7, 8, 17, and 29 have been canceled. Applicant respectfully requests reconsideration in light of the amendments and the following remarks.

CLAIM REJECTIONS UNDER 35 USC §102

The Office Action rejected claims 1-4, 9, 11, 18-20, 23 and 25 under 35 USC 102(e) as being anticipated by Brothers et al. (US 6,789,182).

As to claim 1, it has been amended to include the claim elements of claims 7 and 8. Brothers does not teach or suggest these claim elements of conditional probability calculations based upon events occurring within a selected time window; therefore claim 1 is not anticipated by Brothers and its rejection should be withdrawn.

Claims 2-4 are dependent on claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Claim 9 is dependent on claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Claim 11 is an independent claim amended to include the limitation of “dynamically masking events that occur based on conditional probabilistic calculations using machine learning algorithms to predict an occurrence of a critical event during a specified time period.” Brothers

does not teach or suggest this element; therefore claim 11 is not anticipated by Brothers and its rejection should be withdrawn.

Claim 18, as amended, contains a limitation of basing conditional probability calculations upon events occurring within a selected time window. Brothers does not teach or suggest this element; therefore claim 18 is not anticipated by Brothers and its rejection should be withdrawn.

Claims 19 and 20 are dependent, either directly or indirectly, on claim 18 and are therefore not anticipated by Brothers for at least the same reasons that claim 18 is not anticipated by Brothers.

Claim 23 has been amended to incorporate the limitation of “an instruction for dynamically masking events that occur based on conditional probabilistic calculations using machine learning algorithms.” This element is not taught by Brothers therefore claim 23 is not anticipated by Brothers and its rejection should be withdrawn.

Claim 25 is dependent on claim 23 and is not anticipated by Brothers for at least the same reasons that claim 23 is not anticipated by Brothers. The rejection to claim 25 should be withdrawn.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claims 5-6, 10, 21, and 26 under 35 USC 103(a) as being unpatentable over Brothers et al. (US 6,789,182) in further view of Lewis (US 6,430,712).

Claim 5 is dependent on base claim 1 which contains elements not taught by either Brothers or Lewis; therefore claim 5 is not unpatentable over Brothers in view of Lewis and its

rejection should be withdrawn.

Claim 6 is dependent on claim 5 and is therefore not unpatentable over Brothers in view of Lewis for the reason as stated above with respect to claim 5.

Claim 10 is dependent on base claim 1 and is therefore not unpatentable over Brothers in view of Lewis for the reason as stated above with respect to claim 1.

Claim 21 is dependent on base claim 18 which contains elements not taught by either Brothers or Lewis; therefore claim 21 is not unpatentable over Brothers in view of Lewis and its rejection should be withdrawn.

Claim 26 is dependent on claim 23 which contains elements not taught by either Brothers or Lewis; therefore claim 26 is not unpatentable over Brothers in view of Lewis and its rejection should be withdrawn.

The Office Action rejected claims 7, 12-16, 24 and 27-28 under 35 USC 103(a) as being unpatentable over Brothers et al. (US 6,789,182) in further view of Lenny et al. (US 6,600,614).

Claim 7 has been canceled, thus mooting its rejection.

Claims 12-16 are dependent, directly and indirectly, on claim 11, which is allowable; therefore claims 12-16 are not unpatentable over Brothers in view of Lenny. Claim 11 contains elements not taught by either Brothers or Lenny.

Claims 24, 27, and 28 are dependent on base claim 23 which is not unpatentable over Brothers in view of Lenny; therefore claims 24, 27, and 28 are allowable and their rejection

should be withdrawn.

The Office Action rejected claim 8 under 35 USC 103(a) as being unpatentable over Brothers et al. in further view of Lenny et al. (US6,600,614) NOT IBM in further view of Chan et al. (US 7,194,445).

Claim 8 has been canceled, thus mooted its rejection. The subject matter of claim 8 was incorporated into claim 1.

Applicant submits, however, that Chan is not prior art to Applicant's application because Chan was, at the time the claimed invention was filed on December 12, 2003, assigned to the same assignee as the claimed invention, International Business Machines Corporation (IBM). Although Chan's patent was recently divested to Lenovo of Singapore, at the time of the filing of the instant application, Chan was assigned to IBM. 35 USC 103(c) states: "(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." At the time of the invention Chan was owned by IBM and the claimed subject matter was subject to a duty of assignment to IBM. Therefore, Chan shall not preclude the patentability of the claimed subject matter of claim 8.

The Office Action rejected claim 22 under 35 USC 103(a) as being unpatentable over

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Brothers et al. in further view of Lewis in further view of Lenny et al. (US 6,600,614).

Claim 22 is indirectly dependent on claim 18, which is allowable; therefore claim 22 is also allowable for at least the same reasons that claim 22 is allowable. Claim 18 contains elements not found in Brothers, Lewis, or Lenny.

The Office Action rejected claims 17 and 29 under 35 USC 103(a) as being unpatentable over Brothers et al. in further view of Chan et al.

Claims 17 and 29 have been canceled, thus mooting their rejection. Applicant reiterates that Chan is not prior art to Applicant's application because Chan was, at the time the claimed invention was filed on December 12, 2003, assigned to the same assignee as the claimed invention, IBM.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,


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